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An unending variety of topics

Saturday, September 23, 2006

Incorporation of the Second Amendment

John Roland presents strong evidence that the 14th Amendment of the United States Constitution, ratified shortly after the end of the Civil War, was intentended to incorporate (as well as other parts of the Bill of Rights), as a restriction on States, the 2nd Amendment. It was incorporated in the form of an individual and equal right to keep and bear arms, even if, for the sake of argument, the original 2nd Amendment was not an individual right. There is also some evidence that the "liberty" part of the Due Process Clause was intended to protect, among other things, liberty of the house: that it included "... the right [of a person] to be safe and protected in that citadel of his love [i.e. his home] [and] ... to bear arms for the defense of himself and family and his homestead."

Posted by Nick Szabo at 7:57 PM

2 comments:

Spelman said...

So right after the Civil War, in addition to soon after the Revolutionary War, Congress was filled with gun nuts?

9:47 PM

Andrew Rademacher said...

No Spelman...it was filled with people who realized that people need to have power over their government.

9:02 PM

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Nick Szabo

"A premier thinker about history, law and economics, and the lessons they have for security." -- Adam Shostack, Emergent Chaos

"Szabo comes out with these essays that leave me in awe." -- Brian Dunbar

"Reading material that is eclectic, challenging and endlessly fascinating." -- Sean McGrath, Propylon

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